

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	Case No. 4:19-cv-00415
v.)	
)	Filed Electronically
ALEXANDRU BITTNER,)	
Defendant.)	

**AGREED MOTION TO MOVE THE JUNE 4, 2020 HEARING AND FOR
MODIFICATION OF THE SCHEDULING ORDER**

Defendant, Alexandru Bittner and Plaintiff the United States of America (collectively, the “Parties”), by their undersigned counsel, respectfully move the Court to move the June 4, 2020 hearing on the Parties’ respective Motions for Partial Summary Judgement and extend the remaining deadlines in the Scheduling Order by 30 days and in support thereof, states as follows:

1. On May 11, 2020 this Court set the Parties’ respective Motions for Partial Summary Judgment (Dkt. 28 & 29) for hearing on June 4, 2020 at the Paul Brown United States Courtroom in Sherman, Texas. (Dkt. #60).

2. The Parties wish to move the hearing to the last week in June 2020.

3. The Parties respective counsel spoke chambers on May 28, 2020 and were informed that a Zoom, or similar video conference software, was not available for this hearing. As a result, and because of the complexity of the issues involved, the Parties would like to appear in person.

4. However, due to COVID-19 appearing in person at this time is problematic. Defendant’s lead counsel is over 70, and, therefore, in the high-risk group to contract the virus and is located in San Antonio. Defendant’s counsel desires to participate in person at the hearing

but would like to avoid extended travel at this time and believes delaying the hearing ensures his safety.

5. In addition, because the resolution of the Parties' respective motions is important to resolution of the entire case the Parties also request that this Court extend the remaining deadlines in the Scheduling Order (Dkt. #9) by 30 days. The remaining deadlines would be as follows (where a date fell on the weekend, it was moved to a weekday):

- a. Notice of intent to offer certified records-July 20, 2020.
- b. Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determined how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form (or proposed Findings of Fact and Conclusions of Law in non-jury cases)-July 20, 2020.
- c. Video Deposition Designations due-July 31, 2020
- d. Responses to motions in limine due-August 16, 2020
- e. File objections to witnesses deposition extracts, and exhibits, listed in pre-trial order-August 16, 2020
- f. Final Pretrial Conference-August 31, 2020

6. The request is not made for delay but to allow all Parties to safely travel and participate in person at the hearing.

WHEREFORE, the Parties respectfully requests the Court to grant this Motion.

Dated: June 1, 2020

Respectfully submitted,

By: /s/ Farley P. Katz
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 29, 2020, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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